Mr. K. M. Ibrahim.—At his leisure.

Mr. A. L. Devassy.—After recording the first information and finishing other formalities he went there at 1 p. m. Immediately the information was got, it was recorded.

Mr. K. M. Ibrahim.—The case was acquitted because the Police arrested the wrong man?

Mr. A. L. Devassy.—The accused was given the benefit of doubt.

Mr. V. K. Krishnankutty.—By whom was the case recorded?

Mr. A. L. Devassy.—It was recorded by the Inspector in charge of the station.

Mr. K. M. Ibrahim.— There were three murders, is it not?

Mr. A. L. Devassy.—It was a triple murder.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ.— ഈ കേസ് അന്വേഷിയ്ക്കുവാൻ കമ്മീഷണരവർകൾ പോയിട്ടുണ്ടായിരുന്നോ?

Mr. A. L. Devassy.— I have not referred to the diary of my predecessor.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ.— മർഡർ കേസുകളുണ്ടായാൽ പോലീസു കമ്മീഷണരവർകൾ സ്ഥലത്തുപോയി അന്വേഷിക്കാറു പതിവുണ്ടോ?

മിസ്റ്റർ എ. എൽ. ദേവസ്സി.— പതിവുണ്ട്.

Decree in O. S. 52 of 1110—Irinjalakkuda Munsiff's Court—Execution of.

115. **Mr. A. V. Moothedan.**—Will the Government be pleased to state:—

(a) what is the date of the decree in O. S. 52 of 1110 in the Irinjalakkuda Munsiff's Court;

(b) what is the amount of the decree;

(c) what is the date of the Execution petition;

(d) what portion of the decree debt has been paid;

(e) after paying Rs. 55, did the judgment-debtor apply for time to pay the balance;

(f) why was the request refused and property sold forthwith;

LIBRARY ARCHIVES Kerala Legislative Assembly

(g) is it not a fact that the Secretary to Government had assured the House on 2nd Kumbham 1111 that the Chief Court Circular dealing with execution proceedings would be more rigorously followed than a Proclamation and that sufficient time would be given if 5 per cent of the decree debt is paid?

Mr. Thomas Manjuran.—(a) 7—3—1111.

(b) Rs. 405—5—1 on the date of sale.

(c) 1st petition was on 24—5—11 and the 2nd on 26—7—11. For both, there were special petitions and affidavits to post sale to a near date alleging that the judgment-debtors were committing waste, etc.

(d) Rs. 25 paid on 14—10—11 and

Rs. 30 paid on 20—10—1111.

(e) Yes.

(f) The presiding officer thought fit to do so.

(g) There was no such assurance.

Mr. A. V. Moothedan.—Sir, I wish to make it clear that the circular is ineffective. May I know under what circumstances did the Secretary to Government gave such an assurance on the floor of this House?

Mr. Thomas Manjuran.—Where is that assurance, please?

Mr. A. V. Moothedan.—I shall read it.

"With regard to the last point raised by the Hon'ble Member for Pallipuram, I may say that the Circular issued by the Chief Court to the subordinate Civil Court to exercise their discretion more liberally in the matter of execution sales should afford ample protection to the judgment-debtors. The circular is still in existence and is in full force. There have been instances where time was granted to the judgment-debtor on his depositing five per cent of the decretal amount or even five rupees for the matter of that. The concessions which are made available to the judgment-debtor by that circular are adequate."

Again Sir, a few lines below, the Secretary to Government has said: "There has been no complaint that the circular was ineffectual or inadequate. Sir, I do not think there is any necessity to extend the Proclamation." I bring this question as a result of that statement.

Mr. K. M. Ibrahim.—On what ground did the presiding officer in this case come to the conclusion?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Thomas Manjuran.—After taking into consideration all the relevant facts and circumstances in the case, he came to that conclusion.

Mr K. M. Ibrahim.—That is as vague as vagueness itself.

Mr. P. Govinda Menon.—May I know, Sir, whether the original debtor or the purchaser of the property of that debtor was the petitioner?

Mr. Thomas Manjuran.—I have not got that information.

Mr. A. Narayana Menon.—Is there any objection to set aside the sale on the ground of material irregularity?

Mr. Thomas Manjuran.—None that the Government are aware of.

Mr. K. M. Ibrahim.—Here is a specific instance where the circular is dis-obeyed. On what ground is that circular being dis-obeyed?

Mr. Thomas Manjuran.—There is no circular that in no case properties should be sold in cases where some money has been deposited. Each case has to be decided on its own merits. Further, there is the allegation that waste was being committed by the owner of the property.

Mr. A. V. Moothedan.—That is always the case.

Mr. Thomas Manjuran.—The court definitely found that the security was altogether inadequate and the court exercised its judicial discretion.

Mr. President.—I cannot allow a discussion of this nature.

Mr. K. M. Ibrahim.—It is not a question of questioning the judgment of that officer. The question is whether the circular of the Chief Court has been dis-obeyed or not.

Mr. President.—The circular has not been dis-obeyed. It is a matter of opinion. Questions arising out of decisions arrived at by properly-constituted courts ought not to be subject-matters of discussion in the legislature. It is very improper.

Barathapuzha bridge—repairs to.

116. **Mr. K. Kunhirama Menon.**—Will the Government be pleased to state:—

LIBRARY ARCHIVES Kerala Legislative Assembly